

JOURNAL OF THE SENATE

NINETIETH SESSION

SIXTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Wednesday, January 21, 2015

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Fr. Ron Garry, followed by the Pledge of Allegiance led by Senate page Esther Swift.

Roll Call: All members present.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the fifth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Corey Brown, Chair

Which motion prevailed.

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1 January 6, 2015

2 The Honorable Matt Michels
3 President of the Senate
4 State Capitol
5 Pierre, SD 57501

6 Dear Mr. President and Members of the Senate:

7 Pursuant to the provisions of Chapter 13-49 of the South Dakota Codified Laws and subject
8 to your consent, I have the honor to inform you that I have appointed the Honorable Judge John
9 Bastian, Butte County, Belle Fourche, South Dakota, to the State Board of Regents.

10 This appointment is effective immediately, and shall continue until March 31, 2016.

11 Sincerely,
12 Dennis Daugaard
13 Governor

14 The President announced the referral of the appointment to the Committee on Education.

15 **REPORTS OF STANDING COMMITTEES**

16 MR. PRESIDENT:

17 The Committee on Education respectfully reports that it has had under consideration the
18 nomination of Joseph Schartz of Minnehaha County, Humboldt, South Dakota, to the State
19 Board of Regents and returns the same with the recommendation that the Senate advise and
20 consent to the confirmation of said reappointment.

21 Respectfully submitted,
22 Deb Soholt, Chair

23 Also MR. PRESIDENT:

24 The Committee on Taxation respectfully reports that it has had under consideration SB 19
25 and 21 and returns the same with the recommendation that said bills do pass and be placed on
26 the consent calendar.

27 Also MR. PRESIDENT:

28 The Committee on Taxation respectfully reports that it has had under consideration SB 20
29 and returns the same with the recommendation that said bill be amended as follows:

1 20fa

2 On page 1, line 6, of the printed bill, delete everything after "32-3-1(6)" and insert "~~with~~
3 ~~a model year of 1977 or newer~~ and mobile homes as defined in subdivision 32-3-1(8). This".

4 On page 1, line 10, delete everything after "home" and insert "~~with a model year of 1977~~
5 ~~or newer,~~ or mobile home is sold by a".

6 20fta

7 On page 1, line 1, of the printed bill, after "home" insert "or mobile home".

8 And that as so amended said bill do pass.

9 Respectfully submitted,
10 Jeff Monroe, Chair

11 Also MR. PRESIDENT:

12 The Committee on Health and Human Services respectfully reports that it has had under
13 consideration SB 61 and returns the same with the recommendation that said bill do pass.

14 Also MR. PRESIDENT:

15 The Committee on Health and Human Services respectfully reports that it has had under
16 consideration SB 14 and returns the same with the recommendation that said bill be amended
17 as follows:

18 14fa

19 On page 1, line 4, of the printed bill, after "section" delete "2" and insert "4".

20 On page 1, line 5, after "physician" insert "licensed pursuant to chapter 36-4".

21 On page 1, line 11, delete "subdivision 22-1-1(22)" and insert "subdivision 22-1-2(22)".

22 And that as so amended said bill do pass.

23 Respectfully submitted,
24 Bruce Rampelberg, Chair

25 Also MR. PRESIDENT:

26 The Committee on Local Government respectfully reports that it has had under
27 consideration SB 68 and returns the same with the recommendation that said bill do pass.

1 Also MR. PRESIDENT:

2 The Committee on Local Government respectfully reports that it has had under
3 consideration SB 66 and returns the same with the recommendation that said bill be amended
4 as follows:

5 66fa

6 On page 1, between lines 3 and 4 of the printed bill, insert:

7 "Section 1. That § 7-1-70 be amended to read as follows:

8 7-1-70. If a two-thirds majority of the votes cast at an election held pursuant to § 7-1-69
9 are in favor of changing the name of ~~such~~ the county, the county auditor shall within ten days
10 after the canvass of ~~said~~ the vote, certify under the seal of ~~his~~ the county auditor's office to the
11 ~~Governor~~ secretary of state, the result of the canvass of the votes cast at ~~such~~ the election, and
12 ~~setting forth~~ the new name of ~~such~~ the county."

13 On page 1, line 11, overstrike "Governor" and insert "secretary of state".

14 And that as so amended said bill do pass.

15 Also MR. PRESIDENT:

16 The Committee on Local Government respectfully reports that it has had under
17 consideration SB 65 and returns the same with the recommendation that said bill be amended
18 as follows:

19 65fa

20 On page 2, line 18, of the printed bill, delete "and".

21 On page 2, delete lines 19 and 20, and insert:

22 "(6) A statewide candidate who is nominated by that candidate's party convention prior
23 to a primary election; and

24 (7) An independent statewide candidate prior to a primary election.".

25 And that as so amended said bill do pass and be placed on the consent calendar.

26 Respectfully submitted,
27 Bob Ewing, Chair

1 Also MR. PRESIDENT:

2 The Committee on State Affairs respectfully reports that it has had under consideration
3 SB 32, 34, and 67 and returns the same with the recommendation that said bills do pass.

4 Also MR. PRESIDENT:

5 The Committee on State Affairs respectfully reports that it has had under consideration the
6 nomination of Tony Klein of Hughes County, Pierre, South Dakota, to the Board of Economic
7 Development and returns the same with the recommendation that the Senate advise and consent
8 to the confirmation of said reappointment, and that said reappointment be placed on the consent
9 calendar.

10 Also MR. PRESIDENT:

11 The Committee on State Affairs respectfully reports that it has had under consideration the
12 nomination of Dana Dykhouse of Minnehaha County, Sioux Falls, South Dakota, to the South
13 Dakota Science and Technology Authority and returns the same with the recommendation that
14 the Senate advise and consent to the confirmation of said reappointment, and that said
15 reappointment be placed on the consent calendar.

16 Also MR. PRESIDENT:

17 The Committee on State Affairs respectfully reports that it has had under consideration the
18 nomination of Ronald Wheeler of Lawrence County, Lead, South Dakota, to the South Dakota
19 Science and Technology Authority and returns the same with the recommendation that the
20 Senate advise and consent to the confirmation of said reappointment, and that said
21 reappointment be placed on the consent calendar.

22 Also MR. PRESIDENT:

23 The Committee on State Affairs respectfully reports that it has had under consideration the
24 nomination of John Calvin of Codington County, Watertown, South Dakota, to the Board of
25 Economic Development and returns the same with the recommendation that the Senate advise
26 and consent to the confirmation of said reappointment, and that said reappointment be placed
27 on the consent calendar.

28 Also MR. PRESIDENT:

29 The Committee on State Affairs respectfully reports that it has had under consideration the
30 nomination of Greg Heineman of Minnehaha County, Sioux Falls, South Dakota, to the Board
31 of Economic Development and returns the same with the recommendation that the Senate advise

1 and consent to the confirmation of said reappointment, and that said reappointment be placed
2 on the consent calendar.

3 Respectfully submitted,
4 Tim Rave, Chair

5 **CONSIDERATION OF REPORTS OF COMMITTEES**

6 Sen. Rave moved that the reports of the Standing Committees on
7 Commerce and Energy on SB 30 as found on page 59 of the Senate Journal; also
8 Commerce and Energy on SB 36 as found on page 59 of the Senate Journal be adopted.
9 Which motion prevailed.

10 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

11 SB 74 Introduced by: Senators Otten (Ernie), Bradford, Heinert, Olson, Omdahl, Solano,
12 Sutton, and Tidemann and Representatives Stalzer and Otten (Herman)

13 FOR AN ACT ENTITLED, An Act to restrict the use of fireworks that frighten livestock
14 or leave debris on private property.

15 Was read the first time and referred to the Committee on Local Government.

16 SB 75 Introduced by: Senators Heinert, Bradford, Ewing, Frerichs, Jensen (Phil),
17 Rampelberg, and Sutton and Representatives Schrempp, Bartling, Bordeaux, Craig, Gosch,
18 May, Qualm, and Verchio.

19 FOR AN ACT ENTITLED, An Act to revise the effective period of the travel permit for
20 certain livestock used for rodeo purposes.

21 Was read the first time and referred to the Committee on Agriculture and Natural
22 Resources.

23 SB 76 Introduced by: Senators Heinert, Bradford, Ewing, Frerichs, Jensen (Phil),
24 Rampelberg, and Sutton and Representatives Schrempp, Bartling, Bordeaux, Craig, Gosch,
25 May, Qualm, and Verchio

26 FOR AN ACT ENTITLED, An Act to extend the length of time a local livestock
27 ownership inspection certificate is valid for transportation.

Was read the first time and referred to the Committee on Agriculture and Natural Resources.

SB 77 Introduced by: Senators Jensen (Phil), Bradford, Curd, Haggar (Jenna), Heinert, Lederman, Monroe, Novstrup (David), Olson, Otten (Ernie), Peterson (Jim), Rampelberg, Rusch, Soholt, Solano, Sutton, and Tieszen and Representatives DiSanto, Beal, Brunner, Campbell, Craig, Deutsch, Feickert, Heinemann (Leslie), Hickey, Kaiser, Kirschman, Klumb, Latterell, Novstrup (Al), Peterson (Kent), Rasmussen, Rozum, Schaefer, Schoenfish, Schrempp, Sly, Stalzer, Verchio, Wiik, Willadsen, and Wollmann

FOR AN ACT ENTITLED, An Act to allow nursing mothers to breastfeed in certain locations.

Was read the first time and referred to the Committee on Health and Human Services.

SB 78 Introduced by: Senators Brown, Buhl O'Donnell, Ewing, Heinert, Lederman, Olson, Otten (Ernie), and Tieszen and Representatives Dryden, Deutsche, Haggar (Don), Kaiser, Klumb, Novstrup (Al), Rounds, Rozum, Sly, Solum, and Stalzer

FOR AN ACT ENTITLED, An Act to authorize counties or medical providers to recover inmate healthcare costs from third party insurers.

Was read the first time and referred to the Committee on Local Government.

SECOND READING OF CONSENT CALENDAR ITEMS

SB 31: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding coordination of benefits between health plans.

Was read the second time.

The question being "Shall SB 31 pass?"

And the roll being called:

Yeas 35, Nays 0, Excused 0, Absent 0

Yeas:

Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock); Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 President declared the bill passed and the title was agreed to.

3 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

4 SB 12: FOR AN ACT ENTITLED, An Act to allow the spouse of an active duty military
5 person to qualify as a resident for a temporary permit to carry a concealed pistol.

6 Was read the second time.

7 The question being "Shall SB 12 pass?"

8 And the roll being called:

9 Yeas 35, Nays 0, Excused 0, Absent 0

10 Yeas:

11 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
12 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
13 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson
14 (Jim); Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;
15 Vehle; White

16 So the bill having received an affirmative vote of a majority of the members-elect, the
17 President declared the bill passed and the title was agreed to.

18 SB 15: FOR AN ACT ENTITLED, An Act to allow for discretionary appeals of illegal
19 sentences.

20 Was read the second time.

21 The question being "Shall SB 15 pass?"

22 And the roll being called:

23 Yeas 35, Nays 0, Excused 0, Absent 0

24 Yeas:

25 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
26 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
27 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson
28 (Jim); Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;
29 Vehle; White

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 President declared the bill passed and the title was agreed to.

3 SB 18: FOR AN ACT ENTITLED, An Act to establish certain administrative provisions
4 regarding charitable raffles, lotteries, and bingo and to make violations of these provisions
5 subject to the Deceptive Trade Practice and Consumer Protection Act.

6 Was read the second time.

7 The question being "Shall SB 18 pass?"

8 And the roll being called:

9 Yeas 35, Nays 0, Excused 0, Absent 0

10 Yeas:

11 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
12 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
13 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson
14 (Jim); Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;
15 Vehle; White

16 So the bill having received an affirmative vote of a majority of the members-elect, the
17 President declared the bill passed and the title was agreed to.

18 SB 58: FOR AN ACT ENTITLED, An Act to revise certain authority, monetary penalties,
19 and hearing procedures of the South Dakota Commission on Gaming.

20 Was read the second time.

21 58xa

22 Sen. Greenfield (Brock) moved that SB 58 be amended as follows:

23 On page 1, line 12, of the printed bill, after "manufacturer" insert "or".

24 Which motion prevailed.

25 The question being "Shall SB 58 pass as amended?"

26 And the roll being called:

27 Yeas 35, Nays 0, Excused 0, Absent 0

1 Yeas:

2 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield (Brock);
3 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
4 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson
5 (Jim); Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;
6 Vehle; White

7 So the bill having received an affirmative vote of a two-thirds majority of the members-
8 elect, the President declared the bill passed and the title was agreed to.

9 Sen. Heinert moved that the Senate do now adjourn, which motion prevailed and at
10 2:50 p.m. the Senate adjourned.

11 Kay Johnson, Secretary

